

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-3188

Betty J. Lee,

Appellant,

v.

Cingular Wireless, LLC,
originally sued as Cingular
Wireless, Inc.

Appellee.

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* Appeal from the United States
* District Court for the Eastern
* District of Arkansas.
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* [UNPUBLISHED]
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Submitted: April 1, 2004

Filed: April 8, 2004

Before BYE, McMILLIAN, and RILEY, Circuit Judges.

PER CURIAM.

Betty J. Lee (Lee) appeals the district court's¹ adverse grant of summary judgment in her action under the Americans with Disabilities Act, 42 U.S.C. § 12112 et seq. and state law. After careful de novo review of the record, see Darby v. Bratch, 287 F.3d 673, 678 (8th Cir. 2002), we agree with the district court that Lee failed to

¹The Honorable Susan Webber Wright, Chief Judge, United States District Court for the Eastern District of Arkansas.

show a prima facie case of discrimination, see Greer v. Emerson Elec. Co., 185 F.3d 917, 921 (8th Cir. 1999). Further, Lee's claim that she was denied a promotion is raised for the first time on appeal, see Taylor v. S.W. Bell Tel. Co., 251 F.3d 735, 740 (8th Cir. 2001) (declining to consider issue raised for first time on appeal), and Lee's challenge to the effectiveness of her counsel is not a basis to overturn the court's judgment, see Glick v. Henderson, 855 F.2d 536, 541 (8th Cir. 1988) (no constitutional right to effective assistance of counsel in civil case). Finally, we find no abuse of discretion in the district court's decision to dismiss without prejudice Lee's state-law claims. See Labickas v. Ark. State Univ., 78 F.3d 333, 334-35 (8th Cir.) (per curiam), cert. denied, 519 U.S. 968 (1996).

Accordingly, we affirm. See 8th Cir. R. 47B.
